

**ANIMAS-LA PLATA PROJECT
ENVIRONMENTAL COMMITMENT CHECKLIST
FOR YEAR ENDING DECEMBER 31, 2005
(2005 Annual Update)**

The Animas-La Plata Project (ALP) Environmental Commitment Checklist (ECC) briefly describes and summarizes the environmental commitments for the construction and operation and maintenance of the ALP. The commitments represent actions that will be taken by the Bureau of Reclamation (Reclamation) prior to, during construction of the project, and following construction and during operation of the Project. These commitments are taken from the July 2000 Final Supplemental Environment Impact Statement (FSEIS) and September 2000 Record of Decision and subsequent National Environmental Compliance Act (NEPA) documents completed after completion of the FSEIS such as the Ridges Basin Dam and Reservoir Pre-Construction Facilities Relocation Final Environmental Assessment –June 2002 (FRFEA). As subsequent NEPA compliance is completed for the ALP, new commitments may be added to this ECC. The ECC will be used by Reclamation to document and track the completion of environmental commitments for the Project. By congressional action in 2004, Ridges Basin Reservoir has been redesignated as Lake Nighthorse.

Commitment		Reference		Status as December 31, 2005
		Document	Page No.	
G - General Commitments				
1-1	Management practices will be included in construction specifications and will be employed during construction activities to minimize environmental effects. All relevant federal, state and local laws, ordinances, regulations and standards will be complied with during implementation of the Preferred Alternative.	2000 FSEIS	5-11	Management practices have been included and are being practiced in all contracts awarded as of 12/31/2005. All relevant laws, ordinances, regulations, and standards are being complied with. When there is an overlap of the laws, ordinances, regulations, and standards, the most stringent is being applied.
1-2	Reclamation will prepare and implement an Environmental Commitment Plan (ECP) for the project to document and track the completion of environmental commitments.	2000 FSEIS	5-11	The ECP was made available to the public in May 2004. The ECP can be viewed on the ALP web site at www.usbr.gov/uc and then click on the Animas-La Plata icon. It is annually updated.
1-3	Reclamation will follow commitment made in the FSEIS during the relocation of Gas Pipelines and utilities relocation necessary for ALP construction. Reclamation commits to the implementation of the	2002 FRFEA	5-3	Relocation of pipelines occurred in 2003 with follow up on the re-vegetation occurring in 2004. The commitments were followed. The FERC staff’s Plan and Procedures were included in the

	pertinent portions of the Federal Energy Regulatory Commission (FERC) staff's Plan and Procedures for the Northwest Pipeline Corporation (NPC) and Mid-American Pipeline Corporation (MAPCOO pipelines.			contracts for the relocation of the gas pipelines and were adhered to by the relocation contractor. Re-vegetation plans developed by the utility owners and approved by FERC and adjoining right-of-way land owners were followed. Reclamation annually participates in a revegetation inspection with FERC officials to determine that commitments are met. As of 2005, FERC believes the revegetation program is on line for complete success.
2 - Water Resources and Hydrology Commitments				
2-1	Reclamation will develop an operations plan for the Durango Pumping Plant (DPP) that will schedule pumping from the Animas River in a manner to limit impacts to non-Colorado Ute Tribal entity's abilities to obtain water from the San Juan River.	2000 FSEIS	5-11	This operation plan has not been developed; however, it will become a part of the standard operating procedures for the pumping plant when the plan is developed.
2-2	Reclamation, in concert with State and Federal agencies, will pursue a method to protect ALP water return flows in the La Plata River drainage as a water supply for endangered fish.	2000 FSEIS	5-11	An informal consortium of water users in the La Plata Drainage has been working with Reclamation (Planning—Durango) to develop a conceptual design for an M&I water system for deliveries to the La Plata River basin. No action on the commitment to preserve return flows within the La Plata Drainage during 2005. The consortium of users will develop a more firm plan in coming years.
2-3	Reclamation will design and develop the Lake Nighthorse with a minimum pool of 30,000 acre-feet (af).	2000 FSEIS	5-11	A 30,000 af minimum pool has been included in the design for Lake Nighthorse.

2-4	For project operation a stream flow gauging station will be constructed on the Animas River a short distance below the intake to the Durango Pumping Plant.			Operational analysis has shown that gauging stations need to be built below the pumping plant and also upstream at a location near the Tacoma Power Plant, where the ALP water right was originally located. These gauging stations will be constructed and made operational prior to ALP project operation.
3 - Water Quality Commitments				
3-1	<p>Reclamation will develop and implement a program to reduce, minimize or eliminate temporary, short term increases in suspended sediment loading or other water quality constituents, potentially caused by project construction through incorporation of permits, Best Management Practices (BMPs) and sediment control structures.</p> <ul style="list-style-type: none"> • Reclamation or the contractor will be required to obtain discharge permits from appropriate regulatory agencies; storm water permits will be obtained for ground disturbances in excess of 5 acres. • BMPs and construction scheduling techniques will be utilized to reduce adverse water quality impacts. • Measures will be implemented to time construction activities to coincide with low flow, and measures to capture sediment will be employed. • Duration of placement of fill material will be minimized to be as short a period of time as practicable to reduce the duration of turbidity. 	2000 FSEIS	5-11	<p>BMPs and sediment control structures are being used to control sediment loading. These are requirements of all ALP construction contracts.</p> <p>All required permits have been obtained either by the contractor or Reclamation and stipulations in the permits have been adhered to.</p> <p>BMPs and construction scheduling techniques are being used.</p> <p>As much as practicable, construction activities at the Durango Pumping Plant that involve working in the river have been timed to coincide with low flows.</p> <p>Duration of placement of fill material has been minimized as much as practicable. Non-traditional types of cofferdams have been used at</p>

	<ul style="list-style-type: none"> • Temporary cofferdam/berms will be used to contain fine materials and placement of fill materials during periods of low water flows in Basin Creek and the Animas River. • Stockpiles of fill materials will be placed above ordinary high water marks and protected by measures to prevent erosion of those materials into waters of the United States. • Silt screens or other appropriate methods will be used in Basin Creek, Animas River, and pipeline crossings of the San Juan River to confine suspended particulates and turbidity to areas where settling or removal can occur. • The DPP will be designed to allow for the free unrestricted movement of groundwater on the site. Groundwater levels and quality will be measured at a series of wells agreed upon by US Department of Energy (US DOE) and the State of Colorado (Colorado). The Construction contractor and /or Reclamation will secure a discharge permit for the DPP from the appropriate agency; regular monitoring of the water removed during the dewatering operations will be required. The contractor will be required to prepare and implement, if necessary, a contingency plan for treating the water removed during excavation in the event groundwater contamination levels exceed anticipated limits. <p>Comply with applicable state water quality standards under Section 313 of the Clean Water</p>		<p>DPP to minimize placement of fill material in flowing water.</p> <p>Temporary cofferdam/berms are being used.</p> <p>Stockpiles of fill materials have been placed above the ordinary high water marks and protected by measures to prevent erosion of those materials into waters of the United States.</p> <p>Silt screens or other appropriate methods have been used in Basin Creek and the Animas River.</p> <p>The Durango Pumping plant has been designed to allow for the unrestricted movement of groundwater. Observation wells continue to be monitored on a quarterly basis during 2005. All necessary discharge permits were obtained. All water removed during dewatering operations has been monitored for quality. A Clean Water Act Section 402 National Pollution Discharge Elimination Permit was obtained from the US EPA. Development of a contingency plan was not required in 2005, because the approved treatment system functioned properly.</p> <p>During 2005 all standards were complied with.</p>
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	Act (CWA). Overall, the project is designed to comply with Sections 401, 402, 404 of CWA standards.			
3-2	Reclamation will develop and implement a program to reduce, or eliminate temporary increases in suspended sediment loading that may occur during construction of non-binding end uses and water conveyance systems by utilization of BMPs and sediment control devices. Refer to 3-1 for list of BMPs and sediment control devices.	2000 FSEIS	5-11	Some planning outside of the ALP has been taking place in 2005 to take municipal water to the La Plata River Basin; however, no action on this commitment will take place until a more firm plan is formulated.
3-3	Reclamation will develop with the Southern Ute Indian Tribe (SUIT) and the States of Colorado and New Mexico and implement a program to monitor water quality in the Animas River from the DPP to the confluence with the San Juan River for five years after the DPP begin operation.	2000 FSEIS	5-11	Activity on this commitment will not begin until approximately 2 years before the DPP begins operation. Reclamation is now sampling and will continue to sample the Animas River at several locations until the DPP goes into operation to obtain baseline data.
4 - Vegetation Commitments				
4-1	The DPP will be located at an upland location, which will avoid impacts to wetland/riparian habitat areas along the Animas River.	2000 FSEIS	5-12	The DPP has been located in a location where there will be minimal affect on wetland/riparian habitat along the Animas River.
4-2	Where feasible, directional drilling will be used for river pipeline crossings.	2000 FSEIS	5-12	No river crossings were completed this year.
4-3	Construction ground disturbance will be limited to smallest feasible area and Reclamation will ensure that construction contractors implement BMPs, along with the planting or reseeding disturbed areas using native plant species to reestablish native vegetation.	2000 FSEIS	5-12	Reclamation has worked with the various contractors to limit ground disturbance. Reseeding has been implemented on areas where construction activities have been completed such as the relocation of the gas pipelines using seed mixes recommended by Colorado Division of Wildlife and the Southern Ute Indian Tribe.

4-4	Compensate for loss of approximately 1,645 acres of upland vegetation resulting from construction of Lake Nighthorse, DPP, and other features. The compensation will be part of the total estimated 2,700-2,900 acres of wildlife habitat to be acquired and enhanced to compensate for loss of wildlife habitat in Ridges Basin. Mitigation land acquisition to be completed prior to initiation of ground breaking construction at Ridges Basin Dam (RBD) and DPP sites. Reclamation will first attempt to acquire large contiguous acreage within river basins affected by ALP and then outside of those basins, with consultation with state and federal wildlife agencies.	2000 FSEIS	5-12	Acquisition of the lands for the compensation of wildlife habitat was completed in September 2002. Approximately 6,000 acres was purchased in the La Plata River drainage to be used for wildlife and wetlands mitigation
4-5	Compensate for the loss of 134 acres of wetland/riparian habitat at mitigation ratio sufficient to replace or exceed habitat value of lost wetland/riparian habitat. Replace lost habitat at 1.5:1, creating 200 acres of replacement wetlands/riparian habitat. The program includes land acquisition, development and long-term management; integrate with wildlife habitat mitigation program to expand benefits and provide large contiguous blocks of habitat. Lands for wetland mitigation will be acquired prior to initiation of construction of RBD and overall wetlands mitigation physical features will be at least 95 percent complete prior to beginning reservoir filling. Reclamation will prepare an annual summary progress report for the wetland/riparian work. Upon the completion of the subsequent 5-year monitoring period (five years after reservoir filling) Reclamation shall prepare a summary monitoring report that describes the	2000 FSEIS	5-12	Land for the compensation for the loss of 134 acres of wetland/riparian habitat is a part of the 6,000 acres of land purchased in the La Plata River Basin as discussed in 4-4. The land that will be used to create the approximately 200 acres of replacement wetlands/riparian habitat encompasses approximately 4.6 river miles of an essentially perennial reach of the La Plata River. Restoration and enhancement of the land along the river was initiated in 2002 and continued through 2005 with the removal of any livestock grazing and the removal of non-native plant species. The river restoration earthwork and partial revegetation was completed in late 2004 with the remaining revegetation of the restoration area completed in 2005 to include minor remediation following 2005 spring flood damage. Reclamation has prepared an annual summary progress report for the wetland/riparian work for

	condition of the wetland/riparian mitigation area relative to the mitigation success criteria.			2005 and it is available to the public on request. It can also be viewed on the ALP web site at www.usbr.gov/uc and then click on the Animas-La Plata icon.
4-6	Monitor Animas River riparian corridor to determine effects of pumping regime on downstream resources; also include Basin Creek wetlands.	2000 FSEIS	5-12	Action on this commitment will not begin until approximately two years before pumping begins at the DPP.
4-7	Limit ground disturbance due to construction of the Navajo Nation Municipal Pipeline (NNMP) and other pipelines and replace riparian trees lost due to construction at 2:1 ratio.	2000 FSEIS	5-12	No construction took place on the NNMP during 2005.
4-8	For the construction of the non-binding end uses, only the minimum construction areas will be used to minimize the construction impacts to wetlands and riparian areas. If avoidance is not possible, a wetland/riparian mitigation and monitoring plan will be developed to compensate for the loss of vegetation.	2000 FSEIS	5-12	No activity on construction of non-binding end uses during 2005 and no activity on this commitment.
5 - Wildlife Commitments				
5-1	Mitigate direct and indirect loss of approximately 2,700-2,900 acres of wildlife habitat through purchase, enhancement and management of 2,700-2,900 acres of suitable habitat; amount of land acquired will depend on wildlife potential of those acquired lands. Priority will be given to lands in La Plata River drainage and Ridges Basin vicinity. Large contiguous unfragmented parcels will be given priority. The land will be managed for wildlife purposes with coordination with the Fish and Wildlife Service (Service), Colorado Division of Wildlife (CDOW) and SUIT. Other uses will not be allowed if they interfere with wildlife habitat benefits. The wildlife mitigation lands will	2000 FSEIS	5-12 & 5-13	See response to status of 4-4 above.

	<p>be acquired prior to award of contract for construction of RBD, and mitigation development will be concurrent with dam construction.</p> <p>Site development of the wildlife habitat lands to include: long-term management of area; soil/water inventory, development plan preparation; boundary survey& fencing; rehab of fences and unneeded roads, controlled access, parking, signage; weed control, erosion control, vegetation and habitat enhancement.</p>			<p>See response to status of 4-4 above. An interim management plan was developed in 2003 which will be used until a long term management plan can be developed. Boundaries have been surveyed and signs posted. Weed control occurred in 2002, 2003, 2004, 2005 and will continue into 2006 and 2007 along with fencing.</p>
5-2	<p>Construction specifications will be developed to include noise, traffic, and human restrictions to minimize disturbance to wildlife near construction zone of RBD. Carbon Mountain gas pipeline route, that could affect Golden Eagles, will not be considered. Efforts will be made to avoid construction in the vicinity of elk calving areas during the May-July period.</p>	2000 FSEIS	5-13	<p>Noise, traffic, and human restrictions to minimize disturbance to wildlife were included in the specifications of all awarded construction contracts. The pipeline route referred to in this commitment was not used resulting in avoidance of prime elk caving areas and golden eagle nests.</p>
5-3	<p>Reclamation will ensure that recreation facilities and realignment of County Road 211 (CR 211) are sited or restricted in such a way to minimize impacts to elk and deer habitat utilization and design of road crossings will minimize impact to wetland/riparian resources. Indirect impacts will be managed through a plan that will support the minimization or elimination of those conflicts/impacts. Recreation facilities will not be permitted on the west and south sides of reservoir to reduce big game corridor impacts and trails will be restricted to foot traffic only. Wildlife related activities will be encouraged. Future use of Reclamation lands for cabin sites or similar use will not be allowed. Sufficient land will be</p>	2000 FSEIS	5-13	<p>No decision has been made on the type and magnitude of recreation facilities that will be constructed in the Ridges Basin area.</p> <p>The design of CR 211 has been finalized and the road will avoid wetlands/riparian areas except where it will cross Wildcat Creek. At that location, it is expected that the flow of ground and surface water will not be impeded and only diminimus disturbance to wetland vegetation will occur.</p>

	<p>acquired on the west side (at least a one quarter mile) and along the south side of the reservoir to maintain a wildlife mitigation corridor around the reservoir and to winter ranges to the south.</p> <ul style="list-style-type: none"> Seasonal closures from November 30-March 30 in all reservoir and recreation plans to protect wintering wildlife; in some areas critical habitats closure could extend from November 15-May in accordance with the Service's recommendations. Snowmobile and off-highway vehicle will be prohibited to protect wildlife; mountain bike access will be limited to areas that do not impact wildlife. If land is transferred, deed restrictions will be included to protect wildlife values. The Rafter J route to connect CR 211 to County Road 141 (CR 141) is recommended. Secondary roads off of the new alignment of CR 211 will be blocked to motorized traffic. All closed roads will be revegetated with the exception of secondary roads for recreation areas access and utility access. 			<p>The Harper property on the West and Southwest of the reservoir was acquired in 2005.</p> <p>No decision has been made on the type and magnitude of recreation facilities that will be constructed in the Ridges Basin area. Seasonal closures and stipulations concerning snowmobile, off-road vehicle, and mountain bikes will be included within the overall recreation plan..</p> <p>The design for CR 211 has been finalized. The connection for the new CR211 with CR 140 will be at a location 3/8 mile south of the Rafter J intersection.</p>
5-4	<p>Reclamation will collaborate with the Service and CDOW on methods that will be implemented to minimize effects on golden eagles and nests on Carbon Mountain; all reasonable means will be taken to eliminate human activity on Carbon Mountain during the nesting season. All constructed power lines will be raptor-proof.</p> <p>Noise and visual controls will be utilized during construction to minimize impacts between</p>	2000 FSEIS	5-13	<p>Reclamation has worked and coordinated with the Service and CDOW to minimize the effects on golden eagles and nests on Carbon Mountain. Temporary power lines needed for contractor and government office facilities have been constructed in accordance with raptor proof standards.</p> <p>During November of 2002 Reclamation applied for a Takings Permit which was denied by the</p>

	<p>December and June when eagles are nesting. If no practical way to avoid affecting nests then Reclamation will apply for a federal permit under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Takings Permit) to allow the adverse impact on nesting to occur and will follow required mitigation measures.</p>			<p>Service. Through consultation and coordination with the Service it was determined that construction activity should continue as much as possible through the winter months to possibly discourage the golden eagles from using the nests on Carbon Mountain. A monitoring process was put into place to monitor the golden eagle activity in Ridges Basin.</p> <p>Monitoring took place for the 2003 (no young), 2004 (2 young) and 2005 (2 young) breeding seasons. In 2005 monitoring occurred from approximately January 15, 2005 through the end of July 2005. A pair of golden eagles did nest on Carbon Mountain during 2005 near the construction site and successfully reared and fledged two young. Results of the monitoring indicated that construction with the ALP did not negatively affect the golden eagles on Carbon Mountain during their breeding season. The results of the monitoring were forwarded to the Service and the CDOW and are available for review at Reclamation's Four Corners Division Office in Durango. 2005 monitoring was scaled back to fewer monitoring days at critical nesting periods after consultation with CDOW and the Service.</p>
5-5	<p>Reclamation will require that a 0.25-mile buffer around the existing golden eagle nests be identified and that all reasonable measures are pursued to preclude human activity on Carbon Mountain during the nesting period of golden eagles (December 1 through July 15).</p>	2000 FSEIS	5-13	<p>See response to 5-4. All construction contracts included language prohibiting construction-related human activity on Carbon Mountain from December 1 through July 15. Reclamation has also prohibited its work force from going near the nest during this period.</p>

5-6	Reclamation will ensure that development of Non-binding end uses and conveyance systems avoid or minimize impacts to wetlands and riparian vegetation habitat and if avoidance is not possible, require that a riparian/wetland habitat mitigation and monitoring plan is developed to compensate for the loss of habitat value. Construction zones will be minimized; implementation of mitigation for wetland/riparian vegetation will compensate for habitat losses; shield and shroud equipment to minimize noise; signage and restricted access will be put in place to control access; restrictions will be put on nighttime construction and lighting.	2000 FSEIS	5-14	No activity on construction of non-binding end uses during 2005 and no activity on this commitment.
6 - Aquatic Resources				
6-1	Reclamation will fund a detailed evaluation of Lake Nighthorse's expected limnological conditions to determine if water pumped to Lake Nighthorse needs to be delivered at an elevation below the thermocline. This activity will be completed in coordination with the Service as part of the design data collection activities.	2000 FSEIS	5-14	Reclamation has completed a detailed evaluation and has determined that water pumped to Lake Nighthorse will not be delivered at an elevation below the thermocline.
6-2	Develop and implement a monitoring program for bioaccumulation of trace elements in fish at Lake Nighthorse. The monitoring program will be initiated 2 years after Lake Nighthorse is filled and will last 4 consecutive years. As part of construction, vegetation in the reservoir basin will be largely cleared to reduce the magnitude of productivity and reduction potential (methylated mercury). If significant bioaccumulation effects are determined, Reclamation will work with the appropriate local, state and federal agencies to either minimize the impact or otherwise offer protection to potentially impacted fish and wildlife		5-14	No activity on this commitment during 2005 except some clearing of areas within the basin necessary for construction of Ridges Basin Dam to proceed.

	species and to possibly post human consumption advisories. Trout will be the only fish stocked in Lake Nighthorse.			
6-3	<p>To minimize downstream stranding of fish due to pumping plant operations, changes in pumping rates will be staged: when river flow are 500 cfs or greater--increase in pumping not to exceed 50 cfs/hr and decrease in pumping not to exceed 100 cfs/hr. When river flows are below 500 cfs, increased pumping not to exceed 25cfs/hr and decrease in pumping not to exceed 50 cfs/hr.</p> <p>Seasonal bypass flows of 225 cfs (April-September), 160 cfs (October-November) and 125 cfs (December-March) will be honored.</p>	2000 FSEIS	5-14	<p>Procedures outlined in this commitment will be included in the standard operating procedures for the pumping plant.</p> <p>Commitments will be honored once the pumping plant goes into operation.</p>
6-4	Monitoring of the Animas River for native fish and trout will begin prior to project operation and continue for at least 4 year after project pumping begins. The studies are to be designed to understand native fishery, native sucker recruitment, and monitor trout population. If Project operations have a significant adverse effect, every reasonable effort will be made to reduce or eliminate impacts. In 2000, investigations will be initiated to determine whether or not fish barriers exist, whether small fish /young of the year are lost through entrainment in canals, and whether effects to trout fishery may occurs. A recommendation for mitigation on possible effects to native fish will be made by 2005. Once the recommendation is approved by Service, CDOW, New Mexico Division of Game & Fish (NMG&F), and possibly the SUIT, it implementation will begin immediately.	2000 FSEIS	5-14 & 5-15	<p>Due to the drought and persistent low flows of 2002 and 2003 a decision was made to extend the monitoring of the Animas River through 2005 and delay making a recommendation for mitigation for Animas River native fish until late 2005.</p> <p>The aquatic monitoring of the Animas River did occur in 2005 and an aquatic monitoring report was developed by SUIT. The report provided formal recommendations. It was distributed to consulting organizations for comment.</p>

6-5	Reclamation will review and adopt established guidelines for screening facilities to minimize fish entrainment and impingement at DPP and utilize Best Available Technologies for the facility to meet those requirements.	2000 FSEIS	5-15	Facilities have been included in the design of the DPP to minimize fish entrainment and impingement. Meeting was held on 10/1/2002 with the Service and the CDOW to discuss the design being used.
6-6	Screens or other physical structures will be utilized to prevent the release of live fish from Lake Nighthorse. To prevent the release of fish from Lake Nighthorse, the dam outlet structure will be designed to take water from deep water zones (hypolimnetic water). Basin Creek and Lake Nighthorse will be monitored to determine any fish escapement.	2000 FSEIS	5-15	State of the art design has been included in the design of the RBD outlet works to prevent release of fish from Lake Nighthorse. Meeting was held on 10/1/2002 with the Service and the CDOW to discuss design of the outlet works. In a letter from the Service following the meeting, the service recommended that a monitoring plan be put in place once the outlets works goes into operation to monitor for any type of fish escapement from the reservoir. The design for the outlet works includes the use of an energy dissipating sleeve valve to prevent live fish escapement. The dam outlet structure has been designed to take water from the deep water zones.
6-7	Reclamation will fund acquisition and stocking of wild strains of trout annually in the Animas River within the boundaries of SUI. Stocked trout will be marked and monitored according to age class in coordination with SUI, CDOW, NMDGF and the Service. The success will be assessed after four years. If it is deemed a success the stocking program will continue.	2000 FSEIS	5-15	Activities during 2005 consisted of investigating the availability of trout from the Service's Hotchkiss Hatchery, and development of a contract for a study to be conducted by SUI on the feasibility of construction of a fish hatchery that could be used by both the Tribe and Reclamation. This contract was let in 2006.
6-8	Reclamation will stock Lake Nighthorse with trout for a recreational fishery.	2000 FSEIS	5-15	No activity on this commitment will begin until Lake Nighthorse begins filling..
6-9	Reclamation will acquire at least two new public access points on the Animas River for fishing and other recreation use. See 11-2 for more information.	2000 FSEIS	5-15	See 11-2 for details on accomplishments.

7 - Special Status Species Commitments				
7-1	<p>Reclamation will implement conservation measures found in the ALP Biological Opinion issued by the Service on June 19, 2000. The measures address the Colorado pikeminnow, razorback sucker, and bald eagle. The conservation measures include;</p> <ul style="list-style-type: none"> • Operate Navajo Reservoir to mimic the natural hydrograph of the San Juan River to benefit endangered fishes and their critical habitat. Mimicry of the natural hydrograph will be achieved by following the San Juan River flow recommendations and subject to completion of the Navajo Reservoir Operations Environmental Impact Statement and execution of a Record of Decision. <p>Before construction of RBD or within one year of the date of the biological opinion, Reclamation will develop criteria to determine a positive population response for concurrence by the Service.</p> <p>If the flow recommendations or other recovery actions do not result in a positive population response for both species within the time frames established in the criteria and as determined by the Service, reinitiation of section 7 consultation will be required.</p> <ul style="list-style-type: none"> • Reclamation will be responsible for maintaining the San Juan River hydrology 	2000 FSEIS	5-15	<p>Reclamation is still committed to operate Navajo Reservoir to mimic the natural hydrograph. Some adjustment had to be made to the operation during 2004 because of the extreme drought condition during 2002 and 2003.</p> <p>Reclamation and Department of the Interior staff obtained a final Biological Opinion (BO) from the Service in 2005. A final version of the EIS went to government printing in the March 2006. A Record of Decision for the EIS is expected by September 2006.</p> <p>This criterion was developed (during 2001) and concurred with by the Service.</p> <p>Any activity on this commitment will depend on the results achieved by the San Juan River Basin Recovery Implementation Program (SJRBRIP).</p> <p>Reclamation has continued to maintain the model</p>

	<p>model and its data, within the guidelines provided by the Recovery Program's committees.</p> <ul style="list-style-type: none"> • In order to insure accuracy of the Model, Reclamation will take actions necessary to have an independent review of the model conducted within one year of the biological opinion. Reclamation will complete a review of the Riverware model and then coordinate with the Service to receive concurrence on the results of Reclamation's findings. • The October 1991 Memorandum of Understanding and Supplemental Agreement to protect the releases from Navajo Reservoir for endangered fish will remain in effect. • DPP will be operated in a manner that insures that its operations do not interfere with meeting the target flows recommended for the San Juan River. Pumping at the DPP will honor the bypass flows: October-November 160 cfs, December-March 125 cfs, April-September 225 cfs. • Reclamation will implement all actions necessary to prevent escapement of non-native fish from Lake Nighthorse in any water leaving the reservoir. Reclamation will monitor the water leaving the reservoir. If escapement is 		<p>and its data. A third generation model is being developed. Work has been essentially completed on converting the model from a monthly time-step to a daily time-step. Many other improvements have been made including Data Management and Navajo Operating flexibility. Final completion of the Model is awaiting new flow recommendations being discussed by the Biology Committee</p> <p>The procedure for this review and the review were completed and concurred with by the Service (September 2000)</p> <p>Memorandum remains in effect.</p> <p>Operation procedures will be included in the standard operation procedures for the DPP.</p> <p>See response to 6-6.</p>
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	<p>occurring, Reclamation will develop a plan to stop escapement and have the plan concurred to by the Service.</p> <ul style="list-style-type: none"> • Develop and implement monitoring program for bioaccumulation of trace elements in bald eagle food chain in Lake Nighthorse. Develop and implement an action plan for corrective action as appropriate. • Incorporation of bypass flows into ALP operations to promote natural recruitment of cottonwoods on the Animas River. <p>Electrical transmissions lines will be designed to avoid injury to raptors, including the bald eagle.</p>			<p>Activity on this commitment will not begin until the start of filling of Lake Nighthorse.</p> <p>Operation procedures will be included in the standard operation procedures for the DPP.</p> <p>Temporary power lines to contractor and Government office facilities located in Ridges Basin were constructed using raptor proof standards.</p>
7-2	Wildlife and wetland/riparian areas should provide high quality protected habitat for species such as willow flycatcher and bald eagle.	2000 FSEIS	5-16	Work continued during 2005 on the restoration of the wetland/riparian area on the La Plata River. Once the restoration is complete the wetland/riparian area should provide a high quality protected habitat for species such as willow flycatcher and bald eagle.
8 - Geology and Soil Commitments				
8-1	Reclamation will reduce or eliminate the potential for earthquake damage to the RBD site through specific design specifications.	2000 FSEIS	5-16	Reclamation has designed RBD to reduce or eliminate the potential for earthquake damage to the maximum extent possible by designing the dam to be completely founded on bed rock and use of earthquake resistant embankment materials.
8-2	Reclamation will develop a controlled program for filling Lake Nighthorse to reduce potential for induced seismic impacts.	2000 FSEIS	5-16	Filling of the reservoir is a part of the design for the dam and reservoir and will depend upon factors such as hydrology of the Animas River at the start of filling of the reservoir.

8-3	Reclamation will develop and implement a facilities operation program that includes monitoring the reservoir shoreline and slope for landslide and slumping and provide for public notification and control public access in areas where high landslide and slumping potential exists.	2000 FSEIS	5-16	A plan will be put in place at the start of filling of the reservoir to implement this commitment.
8-4	Reclamation will develop an engineered process plan to limit, control and manage dam site methane gas releases during construction. Also, Reclamation will monitor the area for gas releases during operation.	2000 FSEIS	5-16	No construction activity in potential gas release areas was conducted during 2005. See 8-5 for more information.
8-5	Reclamation will investigate potential for gas release due to man-made intrusions in Ridges Basin and dam site involving abandoned wells and coal mines. Reclamation will implement prescribed mitigation such as plugging abandoned mines and wells.	2000 FSEIS	5-16	The final design for Ridges Basin Dam has avoided possible intrusion into any existing coal beds/mines. Plugging of gas wells in the reservoir basin is part of dam and reservoir construction/development.
8-6	<p>Construction contractors will utilize erosion control guidelines and BMPs to control soil erosion. Mitigation to reduce erosion for from construction areas of Lake Nighthorse, RBD, DPP, and NNMP and end-use conveyance structures will include:</p> <ul style="list-style-type: none"> • using water trucks to minimize wind erosion and dust • conduct soil disturbing activities only May 1-October 15 • avoid disturbing steep slopes when feasible • construct fill slopes to a 2/1 ratio or flatter 	2000 FSEIS	5-16	Erosion control procedures and BMPs have been included in the specification of all awarded contracts. All of the mitigation procedures are being used with the exception of conducting soil disturbing activities only through May 1 – October 15. Because of the project schedule, soil disturbing activities will occur all year where practicable.

	<ul style="list-style-type: none"> • construct V-ditches above cut or fill slopes to divert water • revegetate exposed slopes before rainy season • locate sediment traps (straw bale dikes/fabric barriers) down slope of disturbed areas • construct permanent/temporary sediment basins as needed • selective removing, stockpiling and replacement of topsoil • stabilize drainage channels using rock linings or similar material 			
8-7	Reclamation will develop a program to reduce erosion and sedimentation resulting from reservoir filling and drawdown rates.	2000 FSEIS	5-16	This program will depend upon reservoir operation procedures put in place at the time of filling.
9 - Cultural and Paleontological Resources Commitments				
9-1	<p>Reclamation will ensure compliance with historic/archeological treatment measures and disseminate results pursuant to Programmatic Agreement (PA) to meet Section 106 of National Historic Preservation Act (NHPA) standards; finalize a Historic Preservation Management Plan (HPMP) to implement the PA.</p> <ul style="list-style-type: none"> • Preferred mitigation of impacts will be avoidance, and in-place preservation; mitigation include completing resource data recovery, Historic American Building Survey (HABS) / Historic American Engineering Review (HAER) recordation, written/oral 	2000 FSEIS	5-17	<p>Requirements of PA are being followed. Consultations with PA signatories occur on a continuous basis to assure compliance with the PA. HPMP determined to be unnecessary.</p> <p>Prior to execution of the PA, an HPMP was determined to be superfluous to the compliance needs of the project and was removed as a commitment.</p> <p>Where possible, avoidance, and in-place preservation are accomplished.</p> <p>HABS/HAER recordation of Bodo Ranch was</p>

	<p>histories, site stabilization, ethnographic studies as appropriate; consulting tribes will be given opportunity to input on treatment and interpretation of data; tribal consultation on data collection is recommended at specific cultural resource sites.</p> <ul style="list-style-type: none"> • Mitigation of impacts accomplished through archeological excavation, study and publication; mitigation plan/design achieved through consultation with Advisory Council on Historic Preservation (ACHP), tribes, State Historic Preservation Office (SHPOs) and use of PA and HPMP. • Educational programs and public access to excavations will be part of mitigation plan. <p>Within 2 years of completion of Lake Nighthorse, Reclamation will develop a Cultural Resource Management Plan (CRMP) to provide long term management which will include:</p> <ul style="list-style-type: none"> • provision for in-place preservation • management of future recreational development • operation & maintenance of facilities • public interpretation and public involvement • 			<p>done in 2003. A draft report was submitted and is still under review. The final will be included in a historic site volume in 2007.</p> <p>Ethnographic studies are in progress. Particular emphasis is being given to the Old Ute/Old Spanish Trail running through Ridges Basin. Consulting Tribes are providing input on data recovery project. Final data to be included in a ethnographic volume in 2008.</p> <p>The 4th field season of mitigation of impacts in Ridges Basin has been completed. Mitigation plans/designs were developed through consultation with ACHP, Tribes, and SHPOs. Study and publication of findings are anticipated to take another two years.</p> <p>Educational programs and public access to excavations are an active part of mitigation plan, an Outreach Plan was completed in 2003.</p> <p>Work on CRMP for Ridges Basin was initiated in 2005; a preliminary Preservation Plan for the ALP mitigation lands along the La Plata River is scheduled to be completed in 2006.</p>
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9-2	Reclamation will ensure that areas to be disturbed are field surveyed prior to construction disturbance and will ensure that construction monitoring is conducted where deemed appropriate.	2000 FSEIS	5-17	All construction areas were surveyed prior to disturbance and if cultural resources were found, appropriate action was taken. Monitoring as appropriate is being conducted as construction proceeds.
9-3	Ensure compliance with NAGPRA and Executive Order 13007; development of project specific NAGPRA plan. Avoidance and in-place preservation of graves and sacred sites; for mitigation, Reclamation will consult with tribes and develop methods to be followed to deal with human remains and artifacts.	2000 FSEIS	5-17	NAGPRA Plan has been developed and implemented in consultation with Tribes. Consulting Tribes have been sent notifications upon discovery of NAGPRA items. The Cultural Affiliation Studies to determine custody of NAGPRA items have been completed and transfer of custody (via reburial) to representative affiliate Tribes has been accomplished (2005). Consultation with potentially affiliated Tribes is ongoing.
9-4	Paleontological survey of all properties to be disturbed prior to construction; construction monitoring as deemed appropriate. Area underlain by Animas, Kirtland, Fruitland, and Picture Cliff sandstone/foundation will be surveyed prior to construction; Areas underlain by Lewis Shale will be spot checked following construction, prior to filling; immediate notification during construction if fossils are uncovered.	2000 FSEIS	5-17	Reclamation continues to perform paleontological surveys before and during construction activities.
9-5	Periodic shoreline monitoring for paleontologic resources as part of facilities operations.	2000 FSEIS	5-17	There will be no action on this commitment until the reservoir begins filling.
10 - Agricultural Commitments				
10-1	Location, design, and construction timing of NNMP will protect agricultural lands. Schedule construction during no-production time to eliminate impacts.	2000 FSEIS	5-17	Firming up the alignment of the NNMP occurred during 2003. Design data collection occurred during 2004. No activity in 2005.
11 - Recreation Commitments				
11-1	Reclamation will pursue a pumping regime to	2000 FSEIS	5-17	Operation procedures will be included in the

	reduce adverse effects on boating in the Animas River, such as altering pumping regimes during competitive/other events to minimize affect of pumping on the event.			standard operation procedures for the DPP.
11-2	Reclamation will provide funding (not to exceed \$500,000) for the acquisition of public access at a minimum of two points on the Animas River between the High Bridge and Basin Creek.	2000 FSEIS	5-17	During 2005 an agreement was finalized with the City of Durango to help fund two public access point on the Animas River, one at the High Bridge and one located where La Plata County has constructed a new bridge across the Animas River south and west of the Home Depot store.
12 - Socioeconomic Commitments				
12-1	No environmental commitments are made for Socioeconomic Resources	2000 FSEIS	5-17	
13 - Land Use Commitment				
13-1	No environmental commitments are made for Land Use	2000 FSEIS	5-18	
14 - Hazardous Materials Commitments				
14-1	<p>The DPP will be designed to minimize disturbance of contaminated materials. Procedures will be put in place for radiological monitoring of excavated soils and groundwater encountered and that remedial procedures are planned in advance to counteract the potential exposure and for the prevention of contaminated groundwater release from the construction site. The human exposure to contaminated soils and the potential for release of contaminated groundwater from the site will be mitigated by the following measures:</p> <ul style="list-style-type: none"> • review remediation reports and current monitoring data to understand existing subsurface conditions in respect to radioactive material 	2000 FSEIS	5-18	<p>Areas of known high levels of contamination were isolated and not disturbed during construction.</p> <p>Requirements for disposal of contaminated soil included in contract specifications.</p> <p>Radiological monitoring of excavated soil and rock performed on daily basis.</p> <p>All site workers provided with training in radiological hazards and safety.</p> <p>Reports were reviewed.</p>

	<ul style="list-style-type: none"> • obtain preconstruction soil and water samples at site for lab testing • develop site safety and health management plan with radiation protection for workers and public • develop construction plan to deal with hazardous conditions of excavated soil and groundwater • utilize analytical data to design treatment system for contaminated water • receive Colorado Discharge Permit (CDP) for treated water • pumping plant design and construction management plans are to be approved by Environmental Protection Agency (EPA) and state regulatory agencies. 			<p>The soil and water was sampled.</p> <p>A site safety and health management plan and radiation control plan was developed and is being used for construction at the site.</p> <p>A construction plan was developed and is being used at the site.</p> <p>A treatment plan was developed; however, monitoring indicated that no treatment of contaminated water was necessary during 2004. Needs Update.</p> <p>A discharge permit is in place from EPA.</p> <p>Pumping plant design and management plans were approved by Department of Energy and Colorado Department of Public Health and Environment in 2003.</p>
14-2	Reclamation will ensure that all federal & state requirements pertaining to the handling and management of hazardous materials, mixed wastes, and radioactive wastes are followed. Those requirements will be included in the construction contract for construction safety and environmental compliance.	2000 FSEIS	5-18	Requirements to follow for handling and management of hazardous materials, mixed wastes, and radioactive wastes were included in all construction specifications. Permits requirements and environmental compliance adequacy was monitored by Reclamation construction inspectors and compliance technicians.

14-3	Contract specification for all parts of the project will ensure that the Bodo Canyon disposal cell is not disturbed. The disposal cell will have appropriate signage communicating associated hazards.	2000 FSEIS	5-18	All contractors were instructed to not do anything that would disturb the Bodo Canyon UMTRA site and requirements to do the same included in construction contracts.
14-4	Reclamation will confer with Department of Energy on the Long-Term Surveillance and Maintenance Program (LTSMP) for the Bodo Canyon disposal cell; ensure the cells integrity; reactive sampling and monitoring of wells DH-228/DH-229 for indicator parameters, to include but not be limited to Molybdenum, Selenium, & Uranium.	2000 FSEIS	5-18	Reclamation continues to communicate with the DOE to assess the UMTRA cell integrity through monitoring of observation wells. Reclamation observation well DH-228 is dry and no sampling was performed this year. Observation well DH-229 standpipe was destroyed by vandals in 2003 and the well was not tested this year.
14-5	Reclamation will require that preconstruction surveys of non-binding end-use facilities and conveyance systems be conducted to meet hazardous material requirements. If hazardous waste sites are found, site surveys and sampling will be conducted to determine site history, and appropriate containment cleanup will be conducted.	2000 FSEIS	5-18	There will be no activities on this commitment until firm plans are developed for any non-binding end use.
14-6	<p>In order to avoid adverse effects to surface waters and ground water in the project area, as well as impacts to endangered species from petroleum products spills, Reclamation will implement or have implemented the following measures that will apply to the 10-inch diameter MAPCO pipeline if it is converted to a petroleum products pipeline:</p> <ul style="list-style-type: none"> • BMPs will be used by crews to minimize spills of hazardous materials during construction that could get into water ways. • Spill avoidance technology will be implemented to minimize the risk of a spill in the petroleum product line. 	June 2002 FRFEA	5-5	MAPCO's plans to convert the 10" pipeline to a petroleum products line have been presently been abandoned. Should this plan be re-implemented, these commitments will be mandated in Reclamation's review and input to required environmental impact statements associated with the gas line conversion project.

	<ul style="list-style-type: none"> • Appropriate technology will be implemented to minimize the volume of a spill from the petroleum product line. • An Emergency Response Plan for operations will be developed that details measures to contain spills and prevent further disposal. • A petroleum product monitoring element will be incorporated into the water quality monitoring program for potential adverse bioaccumulation of trace element in bald eagle food items in Lake Nighthorse. • Periodic surface and/or aerial inspections will be conducted along the pipeline corridor and the Lake Nighthorse shoreline to provide early detection of small leaks that go undetected by small pressure loss in the pipeline. 			
15 - Transportation Commitments				
15-1	Reclamation will conduct a transportation survey prior to construction of Ridges Basin Dam and Reservoir and implement methods to reduce traffic related impacts.	2000 FSEIS	5-18	A traffic survey was completed and where feasible, procedures such as starting work earlier than the general public and carpooling have and are being put in place to minimize impacts related to traffic.
15-2	<p>Reclamation will maintain CR 211 roadway, shoulder, drainage and roadside to standards adequate to avoid noticeable degradation. CR 211 will be maintained by the following guidelines;</p> <ul style="list-style-type: none"> • Roadway maintained to moderate degree of user comfort and protects the county's investment and resource values. Surfacing, 	2000 FSEIS	5-18	CR 211 from where it leaves US Highway 550/160 to a point near it's intersect with CR 212 was paved during 2004. A determination was

	<p>where present to be replaced to the depth required for blade maintenance and to prevent wear of the base course. Dust suppression using dust/surface palliative.</p> <ul style="list-style-type: none"> • Road drainage will be maintained as necessary to prevent unacceptable environmental damage. • Roadway slides and slumps will be repaired or removed to provide passage by prudent drivers in standard passenger cars and to allow unimpeded travel by construction trucks. • Roadside litter will be cleaned in accordance with road management objectives. Hazards will be abated as needed with minimal environmental damage. 			made that it would be more economical to pave this section of road than try to maintain the road as a gravel road through 2010, the time required for construction of Project facilities.
15-3	<p>Third party developers of recreation facilities at Lake Nighthorse to conduct traffic engineering impact analysis studies and to mitigate facilities according to state and county standards. Associated costs will be the responsibility of the developing entity.</p>	2000 FSEIS	5-18	No development of any recreation facilities was completed in 2005.
16 - Air Commitments				
16-1	<p>Construction contractor will implement measures to control fugitive dust and exhaust emission during construction.</p> <ul style="list-style-type: none"> • Dust will be controlled through spraying of roads and stockpiles; foundation. • Stripping/embankment will be sprayed. 	2000 FSEIS	5-19	Dust has been controlled through the wetting of roads, stockpiles, foundation stripping/excavation and embankment areas.

	<ul style="list-style-type: none"> Dust emission from the DPP will be controlled by water and other measures designed to reduce health hazards. Seeding of disturbed areas will occur immediately after final grading Personal protective devices provided to workers as required by Occupational Safety & Health Standards. 			<p>Seeding of the areas disturbed by the gas pipelines relocation contractor was initiated in the fall of 2003 and continued in the spring of 2004. Regrowth continues through 2005.</p> <p>Personal protective devices have been provided to workers as required by Occupational Safety & Health Standards.</p>
16-2	Third party developers of non-binding end uses will be required to meet standards to control fugitive dust and other emissions.	2000 FSEIS	5-19	There was no construction of non-binding end uses during 20045.
17 - Noise Commitments				
17-1	Pumping plant construction contractor will restrict operations at the DPP during evening hours. Provisions governing nighttime construction will be included in the construction specifications. The contractor will be required to meet Durango noise ordinance and to obtain permits for unavoidable noise levels. Signs will be placed on the west side of Animas River notifying boaters of construction.	2000 FSEIS	5-19	Contractor has restricted operations (construction) at the DPP during evening hours. Provisions governing night time construction were included in the construction specifications. All necessary permits have been obtained from the City of Durango. Signage was placed on the Animas River to inform boaters of the construction and associated blasting schedule.
17-2	Pumping plant construction contractor will provide blasting notification to residents, sound pre-blast alarms, and follow safety plans.	2000 FSEIS	5-19	Blasting notification was provided to residents, was published weekly in the local newspaper and was posted on the internet. Signs were placed on the highway that passes the pumping plant site to notify the public of any blasting that was taking place. A safety plan and pre-blast alarms were used.
17-3	Construction and operation of the DPP will be carried out to reduce noise impact. Noise reduction will be provided in the form of sound insulation within the plant and vegetation screening on the outside.	2000 FSEIS	5-19	Construction at the DPP is being carried out in such a way as to reduce noise impacts. The plant has been designed to include sound insulation within the plant to reduce/eliminate operational noise outside the plant. In addition, landscaping

				around the plant will also help to absorb activities and related noise in and around the plant.
17-4	Lake Nighthorse construction and operation specifications will provide for noise control relating to protection of golden eagle nesting sites. Construction will be scheduled to avoid high noise level activities in the vicinity of golden eagle nest during nesting season and nesting areas will be off limits to construction workforce and visitors.	2000 FSEIS		Through consultation with the Service and the CDOW the approach to protect the golden eagle nesting sites has changed from that committed to in the FSEIS. The approach now is to have construction occurring year-round if possible, have the eagles either become accustomed to the construction noise or use alternative nesting sites outside of Ridges Basin. The nesting sites on Carbon Mountain remain off limits to the work force and visitors. Also, eagle activity in Ridges Basin was monitored during the nesting seasons of 2003, 2004 and 2005 and monitoring reports were prepared and distributed to the Service, CDOW and other interested parties.
17-5	Require third-party developers of recreation facilities at Lake Nighthorse incorporate in their plan the requirements to prohibit particularly loud forms of water craft and to include signing to advise people of eagle sensitivity to human presence and noise.	2000 FSEIS	5-19	Discussions have taken place between Reclamation and the State of Colorado concerning development of Recreation facilities during 2005.
17-6	Contractors associated with development of non-binding end uses will implement methods to minimize noise during construction and operation	2000 FSEIS	5-19	There was no construction activity on non-binding end uses during 2005.
18 - Public Health and Safety Commitments				
18-1	Public access to structural component construction areas will be controlled by signage and fencing.	2000 FSEIS	5-19	Public access to structural components and construction areas is being controlled by signage and fencing. An agreement was obtained from La Plata County to close CR 211 to through traffic until the end of the construction period.
18-2	Contractors will configure haul routes and access roads to prevent public vehicular entry including placement of signs warning against entry.	2000 FSEIS	5-20	No public vehicular entry is being allowed at construction sites.

18-3	Gas companies will be notified of construction crossings of gas pipelines and locations/routes of pipelines will be marked in the field and on construction specifications.	2000 FSEIS	5-20	Gas companies were notified of all construction crossings. Locations/routes of pipelines were marked in the field and on construction specifications.
18-4	Construction sites for end-use and delivery systems will have public access controlled through signage and fencing.	2000 FSEIS	5-20	There was not construction activity on non-binding end uses during 2005.
18-5	Reclamation will investigate the potential of gas release due to man-made intrusions, prior to construction and will monitor excavations for coal bed methane gas. Investigations for gas emissions at abandoned exploration wells, Gates Coal Mine, foundation trench and outlet works tunnel, and along works in Basin Creek. If levels are detected that exceed safety standards, appropriate actions will be taken to protect public and workers.	2000 FSEIS	5-20	RBD has been designed to eliminate the need for intrusion into coal beds and mines. No construction during 2005 was initiated in the Basin Creek area which would require monitoring for gas releases.
18-6	Access to operation areas that pose a threat to public safety will be controlled.	2000 FSEIS	5-20	See response to 18-1 and 18-2
18-7	Safety and accident management techniques are to be utilized during recreation planning, design of facilities, and development of reservoir access points.	2000 FSEIS	5-20	Discussions have taken place between Reclamation and the State of Colorado concerning development of Recreation facilities during 2005.
19 - Public Service and Utilities Commitments				
19-1	Contractors will adequately secure work sites, patrol work areas, and coordinate with city/county law enforcement.	2000 FSEIS	5-20	The construction contractor and the ALP construction office have and continue to work with the City of Durango and La Plata County to patrol and secure work sites.
19-2	Contractors will mark location of buried utilities and develop a notification system for coordination with affected utilities during construction.	2000 FSEIS	5-20	Buried utilities have been marked and very close coordination has been maintained with the utility companies.
20 - Visual Resource Commitments				
20-1	Reclamation will ensure that as part of design, the DPP blends into natural land form and that following construction site is revegetated. The	2000 FSEIS	5-20	The DPP has been designed to comply with this commitment. The design was coordinated with the City of Durango.

	form, color, and lines of the plant will compliment natural form, colors, and lines on the west side of the Animas River. The design elements will blend with surrounding vegetation and river terrace topography, and color. Native species will be used for revegetation. Blended form, color, and vegetation design elements will limit views of the pumping plant facilities.			
20-2	Design of project structural facilities will incorporate, to the extent practicable, non-intrusive design elements. Reclamation will utilize the services of a qualified landscape architect to develop and supervise implementation of a landscaping plan that specifically focuses on minimizing impacts of project structure components and project disturbed areas.	2000 FSEIS	5-20	The services of a landscape architect were utilized and the design of the project facilities has been designed to comply with this commitment, to the extent practicable.
20-3	<p>To minimize the temporary, short-term loss of vegetation cover and visual impacts from pipeline construction Reclamation committed to the following measures:</p> <ul style="list-style-type: none"> • In visually sensitive areas, restoration of the construction right-of-way shall include the revegetation and establishment of small trees and shrubs, using locally native species wherever possible, to buffer the cleared right-of-way (NPC and MAPCO will be responsible). • Noxious weeds will be identified prior to construction of the pipelines, and control measures during construction (eg. pre-construction herbicide spraying, equipment clearing) will be implemented to reduce the 	2003 FRFEA	5-4	<p>Requirements for this commitment were included in the agreement between Reclamation and NPC and MAPCO. A re-vegetation plan was developed which includes a weed management plan and implementation of the commitment requirements.</p> <p>Clearing of ponderosa pine trees in temporary work spaces was limited to only those trees that would unavoidably be impacted.</p>

	<p>potential spread of such noxious weeds within the right-of-way and into adjacent disturbed lands (NPC and MAPCO will be responsible).</p> <ul style="list-style-type: none"> • A weed management plan will be prepared as part of the Plan to minimize the risk of weed infestations by eliminating existing weeds through scarification of the right-of-way before seeding and further weed control measures (NPC and MAPCO will be responsible). • To minimize the clearing of ponderosa pines, the final route alignment, construction right-of-way configuration and placement of extra work space will be planned to minimize impacts on ponderosa pine parkland. 			
21 - Indian Trust Assets and Environmental Justice				
21-1	Interior will support the modification of the Settlement Agreement to recognize new limits placed on the use and amount of water provided to the Colorado Ute Tribes and establish a water acquisition fund.	2000 FSEIS	5-21	Interior supported the new limits and a water acquisition fund was established.
21-2	Interior will pursue the development of operation plans for Lake Nighthorse and Navajo Reservoirs that will optimize more efficient delivery of the flow recommendations for endangered fish in the San Juan River and limit certain project pumping to allow for making additional depletion and developable water available for other Indian Tribe's present and future water needs.	2000 FSEIS	5-21	Plans will be included in the standard operating procedures for the Project.
21-3	Interior will facilitate discussions between the Jicarilla Apache Nation and other parties with interest in the San Juan River Basin to develop	2000 FSEIS	5-21	Discussions are continuing mainly in connection with the Navajo-Gallup Water Supply Project.

	options of obtaining 25,500 afy depletion as authorized under the Jicarilla Apache Tribe Water Rights Settlement Act.			
21-4	Continued active participation in the SJRBRIP to promote the dual goals of recovery of endangered fish and proceed with water development in the Basin.	Record of Decision – Appendix 2	11	Reclamation continued to participate in the SJRBRIP during 2005.
21-4.1	<ul style="list-style-type: none"> Reclamation will provide substantial technical support in the development and refinement of a comprehensive hydrology model to allow realistic, supportable projections of future water uses within the basin. 			Reclamation continued to provide technical support during 2005. See Section 7-1.
21-4.2	<ul style="list-style-type: none"> Reclamation will continue to optimize the operating rules for the Navajo Dam to provide efficient fulfillment of the flow recommendations necessary for endangered species recovery. 			Reclamation continued to evaluate the operating rules for Navajo Dam and Reservoir during 2005. The continuing drought made this a big priority.
21-4.3	Reclamation will implement an adaptive management program associated with the operations of Navajo Reservoir to evaluate biologic responses to a more natural hydrograph.			Reclamation has continued to work and coordinate with the agencies and entities involved with the SJRBRIP.
21-5	Reclamation will operate the DPP to limit pumping during dry years, allowing more water to be available in Navajo Reservoir to meet project demands.	Record of Decision – Appendix 2	11	Methods and procedures for the operation of the DPP will be included in the standard operating rules for the pumping plant.
21-6	Work with Navajo Nation and the Jicarilla Apache Tribe to combine resources in evaluating options for proceeding with the Navajo-Gallup project, the Navajo River Water Development Plan, and the restoration of the Hogback Project to try to minimize the likelihood that any single Tribe bears a disproportionate burden for the conservation of listed species under the ESA.	Record of Decision – Appendix 2	11	Reclamation continued to work with the Navajo Nation and the Jicarilla Apache Nation during 2005. Examples consist of doing municipal water system studies for the Navajo Nation, helping to facilitate the construction of the water and waste water system for the town of Dulce, New Mexico, and the continued development of the Navajo-Gallup water supply project.

21-7	Facilitate discussions among the parties with interests in the San Juan Basin. Discussions will aim to develop options for obtaining adequate water for the Navajo Nation and Jicarilla Apache Tribe future needs.	Record of Decision – Appendix 2	11	This commitment is being addressed through the development of the Navajo Indian water rights settlement on the San Juan River in New Mexico and using Jicarilla Apache Nation water for the Navajo Gallup Project.
21-8	BOR will conduct an independent review of hydrologic model to ensure accuracy and a tool in future water planning activities.	Record of Decision – Appendix 2	11	This review was completed in 2000 and 2001. As the model continues to be improved, its accuracy is continually being checked.
21-9	Reclamation will work with the Jicarilla Apache Tribe to facilitate their ability to independently utilize the SJRBRIP Hydrology Model.	Record of Decision – Appendix 2	11	Reclamation has continued to work with the Jicarilla Apache tribe to facilitate their ability to utilize the model.
21-10	Through the appraisal investigation of the Navajo–Gallup Project evaluate: <ul style="list-style-type: none"> An alternative project design that would take water from the San Juan River below its confluence with the Animas River which may increase the potential yield of the project while protecting flows for endangered fish. Modify the Navajo-Gallup Project to reduce demands. Utilizing a portion of the Navajo Indian Irrigation Project (NIIP) allocation to meet the needs for the Gallup Navajo Project. 	Record of Decision – Appendix 2	11	<p>The Navajo-Gallup now has as its preferred alternative a diversion point below the confluence of the Animas River. The proposed diversion point is located just above the location where San Juan Generating Station diverts its water from the San Juan River.</p> <p>The demands of the Project have not been decreased, but moving the diversion point allows more water to flow in the river to the diversion point.</p> <p>A proposed agreement has been reached, that if needed, the Navajo-Gallup Project can use some of the depletion right that the NIIP now has.</p>
21-11	Consult with the Navajo Nation and the Jicarilla Apache Tribe on the implementation of the Indian Trust Assets mitigation measures and commence consultation early in the implementation process.	Record of Decision – Appendix 2	11	Consultation with the Navajo Nation and the Jicarilla Apache Nation has continued since the completion of the 2000 FSEIS.
21-12	The NNMP corridor will be routed to minimize disturbance or relocations of residences. If	Record of Decision –	11	Activities continued during 2005 to finalize the alignment and the final design for the NNMP.

	residences are required to be relocated, the residents and the Navajo Nation will be compensated. Project planners will work to avoid disturbances to the cemetery, Consultation will take place with the Navajo Nation Historic Preservation Department (NNHPD) and representatives from affected Navajo Chapters prior to disturbing any human remains or funerary objects. Mitigation measures will be used to minimize noise and vibration impacts. Construction activities will be scheduled during daytime hours when within 0.25 miles of a residence and would be scheduled during non-school hours when feasible.	Appendix 2		Geologic investigation was conducted along the alignment of the NNMP. No Animas-La Plata Project construction occurred on Native American land during 2005.
21-13	Non-binding Scenarios and relocation of the natural gas pipeline - No construction will occur on Tribal without approval of the appropriate Indian tribe. BMP will be implemented during construction. Impacts will be mitigated.	2000 FSEIS	5-21	No construction occurred on Tribal land during 2005.